

MEETINGS TO DATE 6
NO. OF REGULARS 6
NO. OF SPECIALS 0

LANCASTER, NEW YORK
MARCH 16, 1987

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 16th day of March 1987, at 8:00 P.M. and there were

PRESENT: RONALD A. CZAPLA, COUNCILMAN
ROBERT H. GIZA, COUNCILMAN
DONALD E. KWAK, COUNCILMAN
JOHN T. MILLER, COUNCILMAN
STANLEY JAY KEYSA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
RICHARD J. SHERWOOD, TOWN ATTORNEY
JEFFREY H. SIMME, ASST. BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER
MALCOLM J. FRANCIS, JR., ASSESSOR
NICHOLAS LO CICERO, DEPUTY TOWN ATTORNEY

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed rezone petition of Salvatore and Elinore Oddo.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed to the Petitioners, the Erie County Division of Planning, and the Town Clerk of the Town of Amherst, notifying them of the time and place of this Public Hearing.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Division of Planning wherein the Division acknowledged receipt of a Notice of this Public Hearing and commented as follows: "No Recommendation."

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending approval of the C1 zoning to a maximum depth of 600' from the right of way to accommodate the commercial development, and the remainder of the property to R2 to accommodate the residential development.

PROPOSERS

Salvatore and Elinore Oddo
the petitioners

QUESTIONS

Gloria Kubicki
Albert Leising

OPPOSERS

None

ADDRESS

15 Maple Drive, Lancaster
124 Maple Drive, Lancaster

PUBLIC HEARING SCHEDULED FOR 8:15 P.M. CONT'D:

ON MOTION BY COUNCILMAN CZAPLA, AND SECONDED BY COUNCILMAN GIZA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:30 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter until their next meeting scheduled for April 6, 1987.

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 8:45 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed rezone petition of Frank and Sandra Surlanello

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed to the Petitioners, and the Erie County Division of Planning, notifying them of the time and place of this Public Hearing.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Division of Planning wherein the Division acknowledged receipt of a Notice of this Public Hearing and commented as follows: "No Recommendation."

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending denial of the proposed rezone.

PROPONENTS

Frank Surlanello, the petitioner
Sandra Surlanello, sister of the petitioner

OPPONENTS

Sonja Twardowski

ADDRESS

60 Freeman Road, Lancaster

ON MOTION BY COUNCILMAN MILLER, AND SECONDED BY COUNCILMAN KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:00 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter until their next meeting scheduled for April 6, 1987.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town
Board, held on March 2, 1987, as presented by the Town Clerk, be and hereby
are approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

File: R-MIN

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, a vacancy exists on the Assessment Review Board of the
Town of Lancaster due to the resignation of Johnstone N. Reid, Jr., member of
said Board, and

WHEREAS, the vacancy must be filled by the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that HENRY R. SCHENK, 1 Old Schoolhouse Road, Lancaster,
New York, be and hereby is appointed a member of the Town of Lancaster
Assessment Review Board, effective immediately and to terminate December 31,
1991.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT;

WHEREAS, the Executive Director of the Youth Bureau, by letter dated March 2, 1987, has notified the Town Board that a vacancy exists on the Youth Board of the Town of Lancaster due to the inability of Lori Simme to be a member,

NOW, THEREFORE, BE IT

RESOLVED, that CAROLYN SCHMITT, 14 Daniel Drive, Bowmansville, New York 14026 be and is hereby appointed to the position of member of the Town of Lancaster Youth Board for the period March 16, 1987 to May 31, 1988.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, Josela Enterprises, Inc., 5653 Broadway, Lancaster, New York, has applied to the Town Board of the Town of Lancaster for a permit to construct Public Improvements upon real property in the Town of Lancaster within Countryside Subdivision, Phase II, and

WHEREAS, Countryside Subdivision is a subdivision within the Town of Lancaster approved by resolution dated March 20, 1978, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 102 for the installation of Street Lighting and No. 103 for installation of sidewalks as filed by Josela Enterprises, Inc., 5653 Broadway, Lancaster, New York, be and are hereby approved and the installation of the improvements requested be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

File: R-P.I.P. (Page 1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY SUPERVISOR
CZAPLA , TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster, by letter dated March 2, 1987, has requested permission to attend a Symposium on Service Life of Rehabilitated Buildings and Other Structures to be held on April 27, 1987 at Cincinnati, Ohio,

NOW, THEREFORE, BE IT

RESOLVED, that STANLEY JAY KEYSA, Supervisor of the Town of Lancaster, be and is hereby authorized to attend said symposium on April 27, 1987 at Cincinnati, Ohio, and

BE IT FURTHER

RESOLVED, that expense reimbursement required for the attendance of the Supervisor at said meeting be and is hereby authorized in an amount not to exceed \$300.00, and

BE IT FURTHER

RESOLVED, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

File: R-SEM-MTGS (Pages 1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

WHEREAS, after review and consideration the Town Board of the Town of Lancaster deems it in the public interest to amend the Code of the Town of Lancaster by the repeal of the present Chapter 21, entitled "Floodplains" and enactment of a new Chapter 21 of said Code, to be known as Local Law No. 1 of the Year 1987, entitled "Floodplains", and shall read as follows:

FLOODPLAINS

PROPOSED

LOCAL LAW NO. 1

1987

A LOCAL LAW TO PROVIDE FOR FLOOD DAMAGE PREVENTION
IN SPECIFIC AREAS IN THE TOWN OF LANCASTER.

- §21-1. Statutory authorization.
- §21-2. Purpose
- §21-3. Methods of reducing flood losses.
- §21-4. Definitions.
- §21-5. Applicability.
- §21-6. Basis for establishing areas of special flood hazard.
- §21-7. Compliance required; penalties for offenses.
- §21-8. More stringent restrictions to prevail.
- §21-9. (Reserved)
- §21-10. Disclaimer of liability.
- §21-11. Development permit required.
- §21-12. Designation of Building Inspector.
- §21-13. Duties and responsibilities of Building Inspector.
- §21-14. Variance procedure.
- §21-15. General standards.
- §21-16. Specific standards.
- §21-17. Floodways
- §21-18. Severability.
- §21-19. When effective.

§21-1. Statutory authorization.

Pursuant to Town Law §130, Subdivision 15, the Legislature of the State of New York has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. The Town Board of the Town of Lancaster does, therefore, in the interest of promoting same, ordain as follows.

§21-2. Purpose.

It is the purpose of this ordinance to promote the public health, safety, general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health.
- B. Minimize expenditures of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§21-3. Methods of reducing flood losses.

In order to accomplish its purposes, this Local Law includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
- D. Controlling filling, grading, dredging and other development which may increase flood damage.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

§21-4. Definitions.

APPEAL - means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

AREA OF SHALLOW FLOODING - means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in AI-99, V, VO, VE, or VI-30. It is also commonly referred to as the base floodplain or 100-year floodplain.

BASE FLOOD - means the flood having a one percent chance of being equalled or exceeded in any given year.

BASEMENT - means that portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING - means any structure built for support, shelter or enclosure for occupancy or storage.

CELLAR - has the same meaning as "Basement".

COASTAL HIGH HAZARD AREA - means the area subject to high velocity waters including, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI - 30, VE, VO, or V.

DEVELOPMENT - means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

ELEVATED BUILDING - means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts & piers) or shear walls.

FLOOD or FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) the overflow of inland or tidal waters;
- 2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) - means an official map of the community published by the Federal Emergency Management Agency as part of a riverine Community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

FLOOD HAZARD BOUNDARY MAP (FHBM) - means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

FLOOD INSURANCE RATE MAP (FIRM) - the official map of a community on which the Federal Emergency Management Agency, has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevations of the base flood.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - has the same meaning as "Regulatory Floodway".

FLOOR - means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LOWEST FLOOR - means lowest level including basement or cellar of the lowest enclosed area. An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

MANUFACTURED HOME - means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL - means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME - has the same meaning as "Manufactured home".

NATIONAL GEODETIC VERTICAL DATUM (NGVD) - as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

NEW CONSTRUCTION - means structures for which the "start of construction commenced on or after the effective date of this Local Law.

PRINCIPALLY ABOVE GROUND - means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

100-YEAR FLOOD - has the same meaning as "Base Flood."

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in §21-13B of this Local Law.

SAND DUNES - means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION - means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

STRUCTURE - means a walled and roofed building, a manufactured home or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) before the improvement or repair is started; or
- 2) if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- 1) any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- 2) any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE - means a grant of relief from the requirements of this Ordinance which permits construction or use in a manner that would otherwise be prohibited by this Local Law.

§21-5. Applicability.

This Local Law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Lancaster.

§21-6. Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled the "Flood Insurance Study for the Town of Lancaster," dated June 1981, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps, and any revisions thereto, is hereby adopted by reference and declared to be a part of this Local Law. The Flood Insurance Study is on file at the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.
- B. This Local Law is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986, and shall supercede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.

§21-7. Compliance required; penalties for offenses.

No structure shall hereafter be constructed, located, extended converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Lancaster from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Section 21-14 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§21-8. More stringent restrictions to prevail.

This Local Law is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Local Law and other ordinances, easement covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§21-9. (Reserved)

§21-10. Disclaimer of liability.

The degree of flood protection required by this Local Law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Local Law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Local Law shall not create liability on the part of the Town of Lancaster, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Local Law or any administrative decision lawfully made thereunder.

§21-11. Development permit required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in §21-6. Application for a development permit shall be made on forms furnished by the Building Inspector and shall include but shall not be limited to plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; and existing or proposed structures, fill, storage of materials and drainage facilities.

- A. The Building shall consider the type of proposed construction or development, the magnitude of same as well as the location in evaluating applications for development permits and determining whether a particular project will have an impact upon flood heights.
- B. A permit is required for all structural activities. These consist of walled and roofed buildings of any type, including manufactured homes intended for residential, commercial or industrial purposes, and gas or liquid storage tanks.
- C. The following information shall be required of all applications involving structural activities:
 - 1) Elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures.
 - 2) Elevation, in relation to mean sea level, to which any structure has been floodproofed.
 - 3) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in §21-16B.

- 4) When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in §21-15-C.
 - 5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- D. Upon placement of the lowest floor, or flood-proofing by whatever means, it shall be the duty of the permit holder to submit to the Building Inspector a certificate of the elevation of the lowest floor, or flood-proofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Building Inspector shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

§21-12. Designation of the Building Inspector.

The Building Inspector is hereby appointed to administer and implement this Local Law by granting or denying development permit applications in accordance with its provisions.

§21-13. Duties and Responsibilities of Building Inspector.

- A. Duties of the Building Inspector shall include, but not be limited to:

PERMIT APPLICATION REVIEW

- (1) Review all development permit applications to determine that the requirements of this Local Law have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this Local Law, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.
 - (a) if there is no adverse effect, then the permit shall be granted consistent with the provisions of this Local Law.
 - (b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of Section 21-15E, Encroachments.

- B. Use of other base flood data. When base flood elevation data has not been provided in accordance with §21-6, Basis for establishing areas of special flood hazard, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer §21-16A and B and §21-17A, B and C.
- C. Information to be obtained and maintained. The duties of the Building Inspector shall also include:
 - (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement.
 - (2) For all new or substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation, in relation to mean sea level.
 - (b) Maintain the floodproofing certifications required in §21-11C(3).
 - (c) Maintain for public inspection all records pertaining to the provisions of this ordinance including variances and Certificates of Compliance.
- D. Alteration of watercourses. The duties of the Building Inspector shall also include:
 - (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a water course, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.
 - (2) Require that maintenance is provided within the altered or relocated portion of said water course so that the flood carrying capacity is not diminished.
- E. Interpretation of firm boundaries. The Building Inspector shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

Base flood elevation data established pursuant to §21-6, and or §21-13B, when available, shall be used to accurately delineate the area of special flood hazards.

The Building Inspector shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.
- F. Stop Work Orders.
 - (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop work order by the Building Inspector. Disregard of a stop work order shall be subject to the penalties described in §21-7 of this Local Law.
 - (2) All floodplain development found noncompliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop work order by the Building Inspector. Disregard of a stop work order shall be subject to the penalties described in §21-7 of this Local Law.

G. Inspections.

The Building Inspector and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the Development permit or the approved variance.

H. Certificate of Compliance.

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Building Inspector stating that the building or land conforms to the requirements of this Local Law.
- (2) All other development occurring within the designated flood hazard area will have upon completion a Certificate of Compliance issued by the Building Inspector.

All certifications shall be based upon the inspections conducted subject to §21-13G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

§21-14. Variance procedure.

A. Appeal Board.

- (1) The Appeal Board, as established by the Town Board, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Town Board in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Town Board, or any taxpayer, may appeal such decision to the appropriate judicial forum as established by law.
- (4) In passing upon such applications, the Town Board of the Town of Lancaster shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Local Law, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others.
 - (b) The danger to life and property due to flooding or erosion damage.
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (d) The importance of the services provided by the proposed facility to the community.
 - (e) The necessity to the facility of a waterfront location, where applicable.
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

- (g) The compatibility of the proposed use with existing and anticipated development.
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area.
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
 - (l) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
- (5) Upon consideration of the factors of Subsection A(4) and the purposes of this Local Law, the Town Board of the Town of Lancaster may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 - (6) The Town Clerk shall maintain the records of all appeal actions, including technical information and report any variances to the Federal Emergency Management Agency.

B. Conditions for variances.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that §21-14A(4)(a) through (l) has been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause.
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in §21-14A(4) or conflict with existing local laws or ordinances.
- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (a) The criteria of subparagraphs 1, 3, 4 and 5 of this section are met;
 - (b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

§21-15. General Standards.

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two (2) feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

- (1) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
- (2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters; and
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

- (1) All subdivision proposals, which, for purposes of this Local Law, shall mean the division of a parcel of land into two (2) or more separate lots for resale purposes, shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or 5 acres.

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazards set forth in §21-13, Permit Review. This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to §21-13B or §21-15D and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

- (3) In all areas of the special flood hazard where floodway data is provided or available pursuant to §21-13B the requirements of §21-17, Floodways, shall apply.

§21-16. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §21-6, Basis for Establishing the Areas of Special Flood Hazards, and §21.13B Use of Other Base Flood Data, the following standards are required:

A. Residential Construction.

New construction and substantial improvements of any resident structure shall:

- (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.
- (2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
 - (c) Openings may be equipped with louvers, valves screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

B. Nonresidential construction.

New construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities shall either: have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- (1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and
 - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (2) If the structure is to be floodproofed:
 - (a) A licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (b) A licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is floodproofed.

The Building Inspector shall maintain on record a copy of all such certificates noted in this section.

C. Construction standards for areas of special flood hazards without base flood elevations.

New construction or substantial improvements of structures including manufactured homes shall have the lowest floor including basement elevated to or above the base flood elevation as may be determined in §21-13B or two (2) feet above the highest adjacent grade where no elevation data is available.

- (1) New construction or substantial improvements of structures including manufactured homes shall have the lowest floor (including basement) elevated at least two (2) feet above the highest adjacent grade next to the proposed foundation of the structure.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade;
- (c) Openings may be equipped with louvers, valves screens or other coverings or openings provided they permit the automatic entry and exit of floodwaters.

D. No manufactured homes shall be placed in a floodway, except in an existing manufactured home park or an existing manufactured home subdivision.

§21-17. Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, §21-4). The floodway is an extremely hazardous area due to high velocity flood waters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §21-6 and §21-13B, all encroachments including fill, new construction, substantial improvements, and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

The placement of any manufactured homes, except in an existing manufactured home park or existing manufactured home subdivision is prohibited.

§21-18. Severability.

Should any section or provision of this ordinance be decided by any court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§21-19. When Effective.

This Local Law shall take effect after mailing, filing and publication as required by Law.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the repeal of Chapter 21, "Floodplains", of the Code of the Town of Lancaster and the enactment in place thereof of Proposed Local Law No. 1 of the Year 1987, entitled "Floodplains", Chapter 21 of the Code of the Town of Lancaster, will be held in Room 139 at the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York at 8:15 o'clock P.M., Local Time on the 6th day of April, 1987, and that Notice of the Time and Place of such Hearing shall be published on March 26, 1987, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

2. That the Town Clerk is directed to make copies of the proposed Local Law No. 1 of the Year 1987 for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 16th day of March, 1987, the said Town Board will hold a Public Hearing on the 6th day of April, 1987, at 8:15 o'clock P.M., Local Time, in Room 139 of the Central Avenue Community Center, 149 Central Avenue, Lancaster, New York, to hear all interested persons upon the repeal of Chapter 21, "Floodplains" of the Code of the Town of Lancaster, and the proposed enactment of Local Law No. 1 of the Year 1987, entitled "Floodplains", Chapter 21 of the Code of the Town of Lancaster, briefly summarized as follows:

"A Local Law to provide for flood damage prevention in specific areas in the Town of Lancaster."

A complete copy of the proposed Local Law No. 1 of the Year 1987 entitled, "Floodplains" is available at the office of the Town Clerk for inspection by and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

March 16, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR KEYSA , WHO MOVED
ITS ADOPTION, SECONDED BY ENTIRE TOWN
BOARD, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed with the Town Attorney a law suit brought by several municipalities in the State of New York against the State of New York and its several agencies relative to the state's Local Assistance Budget for the years 1981 through 1985 respectively, and

WHEREAS, the basis of this law suit rests upon the use by the State of the 1970 Census rather than the 1980 Census figures in calculating the amount of local assistance, and

WHEREAS, the Town Board, together with the Town Attorney, has determined that it is in the interest of the Town of Lancaster to join this action as a plaintiff against the "State" to secure recovery of additional funds under the Local Assistance Budget by application of the 1980 Census figures as opposed to the 1970 Census figures;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town to join the aforementioned action as a municipal plaintiff and, further, that the Town Board hereby retains the legal services of Rowley, Forrest and O'Donnell, P.C., 90 State Street, Albany, New York 12207, as Counsel in this action for an approximate retainer fee of \$6,000.00, and that the Town Clerk is hereby directed to forward a copy of this resolution to the said attorneys, to the Attention of Robert S. Hite, Esq., together with a voucher for payment for services rendered.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, the Town of Lancaster has negotiated a Lease with the Lancaster New York Historical Society, a duly chartered not-for-profit educational corporation under the laws of New York, for the leasing of the Little Red School House on Bowen Road in the Town of Lancaster, which is a town-owned building, and

WHEREAS, the Historical Society desires to use said leased premises as an historic edifice, and

WHEREAS, it is the intention of the Town Board of the Town of Lancaster, on behalf of the Town of Lancaster to jointly maintain said historical edifice for public use with the Historical Society,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute a Lease with the Lancaster New York Historical Society leasing the Little Red School House on Bowen Road in the Town of Lancaster for a term of ten years, commencing March 17, 1987, and subject to the terms and conditions contained therein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

WHEREAS, William Holcomb and the Town Attorney's Office have
negotiated a three-year agreement with the Town of Lancaster Highway Department
Local 816, Civil Service Employees' Association, Inc., and

WHEREAS, the Town Board of the Town of Lancaster desires to implement
the terms of the contract as negotiated,

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement by and between the Town of Lancaster and
the Town of Lancaster Highway Department Local 815, Civil Service Employees'
Association, Inc., for the period of January 1, 1987 to December 31, 1989, be
and is hereby ratified by the Town Board of the Town of Lancaster, pending
and conditioned upon ratification by the Highway Department CSEA membership,
and the Supervisor is authorized and directed to execute said Agreement on
behalf of the Town of Lancaster after ratification by the Highway Department
CSEA membership, and that all parties concerned be extended the thanks of the
Town Board for the spirit in which this Agreement was consummated.

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYS VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
KWAK , TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW
YORK, ADOPTED MARCH 16, 1987, AUTHORIZING THE
PURCHASE OF AN AMBULANCE, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$70,000,
APPROPRIATING SAID AMOUNT THEREFOR, AND
AUTHORIZING THE ISSUANCE OF \$70,000 SERIAL
BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY
OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not
less than two-thirds of all the members of said Town Board) AS
FOLLOWS:

Section 1. The Town of Lancaster, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
purchase a Ford Van Chassis ambulance with modular box for use by
said Town. The estimated maximum cost of said specific object or
purpose, including preliminary costs and costs incidental thereto
and the financing thereof, is \$70,000 and said amount is hereby
appropriated therefor. The plan of financing includes the
issuance of \$70,000 serial bonds of the Town to finance said
appropriation, and the levy and collection of taxes on all the
taxable real property in the Town to pay the principal of said
bonds and the interest thereon as the same shall become due and
payable.

Section 2. Serial bonds of the Town in the principal
amount of \$70,000, are hereby authorized to be issued pursuant to

the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$70,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 27(a) of the Law, is ten (10) years; however, the proposed maturity of said \$70,000 serial bonds or any notes issued in anticipation thereof, shall not exceed five (5) years from the original date of issuance of said obligation.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d. 4 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within

the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "LANCASTER BEE," a newspaper published in Lancaster, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN MILLER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

March 16, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Heritage Hills Subdivision, Phase II, and

WHEREAS, Heritage Hills Subdivision, Phase II, is a subdivision within the Town of Lancaster, filed under Map Cover No. 2413 in the Erie County Clerk's Office on March 23, 1979, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit application Nos. 104, 105, 106, 107, and 109 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, for the installation of:

- | | |
|--|---|
| P.I.P. No. 104 -
(Water Line) | Approximately 2680 @ 900 - 8" PVC, 4 hydrants complete, 7 - 8" valves & box, 4 - 8" plugs & blowoffs and appurtenances thereto. |
| P.I.P. No. 105 -
(Storm Sewer) | Approximately 691 ft. 12" RCP; 179 ft. 15" RCP; 913 ft. 18" RCP; 160 ft. 18" CMP (sf); 730 ft. 24" CMP (sf); 120 ft. 36 x 22 CMP (sf); 35 ft. 36 x 22 RCP; 140 ft. 43 x 26 CMP (sf); 6 manholes, 2 MH Receivers; 14 Receivers - Rearyard Drainage 165 ft. 8" PVC; 120 ft. 8" PVC Perforated, 1 Drain. |
| P.I.P. No. 106 -
(Pavement & Curbs) | Approximately 750 lineal feet Heritage Dr. from existing pavement at STA 23+0 to STA 30+50; approximately 898 lineal ft. Greenbriar Dr. STA 0+00 to STA 8+98; Approximately 1057 lineal ft. Oakwood Court STA 0+00 to STA 10+57 E (end); Total +/- 2705 lineal feet. |
| P.I.P. No. 107 -
(Sidewalk) | Across every lot fronting on Heritage Drive, Greenbriar Drive and Oakwood Court - specific to these lots located in Phase II(A); i.e. Sublots 38 through 44, 71 through 110 and across any public easements or rights of way located between said lots as shown on Map Cover #2413. |

P.I.P. No. 108 - Specific to those lots located in Phase II(A);
(Streetlighting) i.e. Sublots 38 through 44, 71 through 110 where
fronting on Heritage Drive, Greenbriar Drive, or
Oakwood Court as shown on Map Cover #2413.

be and are hereby approved and the installation of the improvements
requested be and are hereby authorized, subject to the following condition:

No Building Permits shall be issued until Performance Security as
authorized in Chapter 11-6 of the Code of the Town of Lancaster
is provided -- or -- until approval of all Public Improvements,
including lighting and sidewalks, by the Town Engineer and Town
Board, and sewer by Erie County Sewer District No. 4, and
conveyance of Warranty Deed with adequate title insurance and
bill of sale of improvements rights-of-way, and easement, and
delivery of two (2) year maintenance bonds from date of
acceptance in the principal sum of 25% of the total cost of the
improvement.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GIZA	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
COUNCILMAN MILLER	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

The resolution was thereupon unanimously adopted.

March 16, 1987

File: R-P.I.P. (Pages 7&8)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
MILLER , TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW
YORK, ADOPTED MARCH 16, 1987, AUTHORIZING
CONSTRUCTION OF IMPROVEMENTS IN THE LANCASTER
MASTER WATER IMPROVEMENT AREA, IN THE TOWN,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$71,000, APPROPRIATING SAID AMOUNT THEREFOR,
AND AUTHORIZING THE ISSUANCE OF \$71,000 SERIAL
BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION.

Recitals

WHEREAS, the Town Board of the Town of Lancaster (herein
called "Town Board" and "Town" respectively), in the County of
Erie, New York, is concerned with the need for improved
facilities for the supply and distribution of water in an
unincorporated area of the Town;

WHEREAS, the Town Board has heretofore caused Krehbiel
Associates, duly licensed engineers of the State of New York, to
prepare a general map, plan and report and estimate of expense
for the construction, in said unincorporated area of the Town
(herein designated and called "Lancaster Master Water Improvement
Area, Enterprise Drive Extension"), of an extension to the
Enterprise Drive waterline to provide water service and fire
protection to the industries located on said street by tapping an
existing 12" water line on the north side of Walden Avenue. The
proposed 8" water line will extend south across Walden Avenue and

will be installed within the Enterprise Drive R.O.W. for a distance of approximately 900 feet, where the line will dead end. Hydrants and valves will be installed at intervals as required. The construction will also include land or rights in land and original furnishings, equipment, machinery, and apparatus required therefor, pursuant to Article 12-C of the Town Law, which map, plan and report and estimate of expense were duly filed in the office of the Town Clerk for public inspection;

WHEREAS, the Town Board has made a determination of no significant environmental impact relating to the aforementioned project;

WHEREAS, after a public hearing duly called and held, the Town Board determined pursuant to the resolution duly adopted on September 15, 1986 that the notice of such public hearing was published and posted as required by law and is otherwise sufficient, that all of the property within the proposed benefited area is benefited by the proposed improvement, that all of the property benefited is included within the proposed benefited area, that the proposed method of apportioning the costs of the improvements should not be changed, that it is in the public interest to construct the water improvements described in the aforementioned Recitals hereto, and that said construction and improvements were authorized and approved; and

WHEREAS, the Town Board has substantially complied with all applicable provisions and requirements of Article 12-C of the Town Law;

now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY OF ERIE, NEW YORK, (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town HEREBY appropriates the amount of \$71,000 for the construction of certain facilities and improvements to the Lancaster Master Water Improvement Area, Enterprise Drive Extension, including the acquisition of land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, all as hereinabove referred to in the Recitals of this resolution, and in accordance with the general map, plan, report and estimate of expense prepared by Krehbiel Associates, duly licensed engineers of the State of New York on file in the office of the Town Clerk and heretofore approved by the Town Board of the Town. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$71,000 and the plan of financing includes the issuance of serial bonds of the Town in the principal amount of \$71,000 and the levy and collection of taxes on all the taxable real property in the area of the Town outside of any Village, and the levy and collection of special assessments upon the several lots and parcels of land deemed benefited by said improvements by the Town Board, in just proportion to the amount of benefit which the improvements shall confer upon the same and that portion borne by the area of the Town outside of any Village in the same manner

and at the same time as other Town charges to pay the principal of and interest on said bonds.

Section 2. Serial bonds of the Town in the principal amount of \$71,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$71,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a.1 of the Law, is forty (40) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d 4 of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town payable as to both principal and interest by general tax upon all the taxable real property within the Town

without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of of said bonds or the renewals of said notes, and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Sections 50.00 and 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing the issuance of any notes in anticipation of the sale of serial bonds herein authorized or the renewals of said notes and relative to prescribing the terms, form and contents and as to the sale and issuance of the serial bonds herein authorized and of any notes in anticipation of the sale of said bonds or the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish the foregoing resolution, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "LANCASTER BEE," a newspaper published in Lancaster, New York, having a general circulation in the Town and hereby designated the official newspaper of said Town for such publication.

* * *

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Country View East Subdivision, Phase IV, and

WHEREAS, Country View East Subdivision is a subdivision within the Town of Lancaster, filed under Map Cover No. 2418 in the Erie County Clerk's Office on September 4, 1979, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit application Nos. 109, 110, 111, 112, and 113 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, for the installation of:

- | | |
|--|--|
| P.I.P. No. 109 -
(Street Lighting) | Sublot nos. 12 thru 17, 123, 124, 36 through 44, 134 through 140, where fronting on Shadyside Lane or Pheasant Run North. |
| P.I.P. No. 110 -
(Sidewalk) | Across every lot fronting on Tanglewood Lane and Pheasant Run N. specific to those lots located in Phase IV; i.e. Sublots 12 through 17, 123, 124, 36 through 44; 134 through 140 and across any public easements or rights of way located between said lots as shown on Mapcover #2418. |
| P.I.P. No. 111 -
(Pavement & Curbs) | Approximately 522 lineal feet Tanglewood Drive from existing pavement at STA 10+00 to intersection with Pheasant Run North at STA 15+22; approximately 650 lineal feet Pheasant Run N. from existing pavement at STA 30+50 to STA 37+00; Total +/- 1172 lineal feet. |
| P.I.P. No. 112 -
(Storm Sewer) | Approximately 331 ft. 12" RCP; 226 ft. 15" RCP; 3 manholes, 4 receivers, and appurtenances. Rearyard drainage - 141 ft. 6" PVC, 1 rearyard drain. |

P.I.P. No. 113 - Approximately 1315 ft. CL.900 8" PVC; 2 hydrants
(Water Line) complete, 4 - 8" valves + box, 3 - 8 " plugs +
blowoffs and appurtenances thereto.

be and are hereby approved and the installation of the improvements
requested be and are hereby authorized, subject to the following condition:

No Building Permits shall be issued until Performance Security as
authorized in Chapter 11-6 of the Code of the Town of Lancaster
is provided -- or -- until approval of all Public Improvements,
including lighting and sidewalks, by the Town Engineer and Town
Board, and sewer by Erie County Sewer District No. 4, and
conveyance of Warranty Deed with adequate title insurance and
bill of sale of improvements rights-of-way, and easement, and
delivery of two (2) year maintenance bonds from date of
acceptance in the principal sum of 25% of the total cost of the
improvement.

and,

BE IT FURTHER

RESOLVED, that the Town Attorney is to prepare, and the Supervisor
be and is hereby authorized to execute an addendum to an existing agreement
between Marrano/Marc Equity Corporation and the Town of Lancaster, providing
for the collection of a \$325.00 escrow deposit for each building permit
issued within Phase III of the development of Country View East Subdivision,
to include in said agreement provisions for collecting an escrow deposit for
building permits issued in Phases IV and Phase V of said subdivision, said
escrow deposits to be held as performance security for the construction of a
detention basin for Phases III, IV, and V of said subdivision.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 815 to Claim No. 988 Inclusive.

Total amount hereby authorized to be paid:

\$484,818.69

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

File: R-CLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
CZAPLA , TO WIT:

RESOLVED, that the following Building Permit Applications be and
are hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
37	Brian Baxter	185 Schwartz Rd.	ER. SIN. DWLG, GARAGE
38	Pioneer Dreams	5153 Transit Rd.	PLACE TEMP. SIGN
39	Lehigh Const. Group	420 Harris Hill Rd.	EXT. BUSINESS
40	Lovejoy Floor Cover.	52 Country Pl.	ER. SIN. DWLG, GARAGE
41	Marrano/Marc Equity	27 Shadyside La.	ER. SIN. DWLG, GARAGE
42	Ann Marie Pfaffman	28 Partridge Wk.	EXT. SIN. DWLG
43	Lehigh Const. Group	6345 Transit Rd.	ER. BUSINESS
44	Harris Hill Deli	5375 Genesee st.	PLACE TEMP. SIGN
45	Marrano/Marc Equity	69 Pheasant Run La.	ER. SIN. DWLG, GARAGE
46	Marrano/Marc Equity	67 Pheasant Run La.	ER. SIN. DWLG, GARAGE

and,

BE IT FURTHER

RESOLVED, that Building Permit Application Nos. 37 and 43 be and
are hereby approved with a waiver of the Town Ordinance requirement for
sidewalks.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GIZA VOTED YES

COUNCILMAN KWAK VOTED YES

COUNCILMAN MILLER VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

File: R-BLDG

Councilman Kwak requested a suspension of the necessary rule for
Immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GIZA, TO WIT:

WHEREAS, the Director of Recreation of the Town of Lancaster, by
letter dated March 14, 1987, has requested authorization to purchase one (1)
1988 Chevrolet Pickup Truck under New York State Office of General Services
Contract from Stafford Chevrolet Inc., at a cost of \$9,696.00,

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Recreation of the Town of Lancaster
be and is hereby authorized to purchase one (1) 1988 Chevrolet Pickup Truck,
from Stafford Chevrolet, Inc., at a cost of \$9,696.00.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GIZA VOTED YES
COUNCILMAN KWAK VOTED YES
COUNCILMAN MILLER VOTED YES
SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

March 16, 1987

File: R-STATE-PUR

STATUS REPORT ON UNFINISHED BUSINESS:

1. Dumping Permit - Keith A. Wilkinson
On September 11, 1986, this application was referred to the Planning Board, Planning Consultant, Building Inspector and Town Engineer for review and report to the Town Board.
2. Public Improvement Permit Authorization - Country View East Subdivision, Phase I (Marrano/Marc Equity).
The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 1, 1987.
3. Public Improvement Permit Authorization - Country View East Subdivision, Phase II (Marrano/Marc Equity).
This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
4. Public Improvement Permit Authorization - Country View East Subdivision, Phase III (Marrano/Marc Equity).
This item remains under unfinished business until a retention basin is constructed on the Lancaster Sr. High School property.
5. Public Improvement Permit Authorization - Country View East Subdivision, Phase IV (Marrano/Marc Equity).
On March 16, 1987, the Town Clerk was authorized to issue P.I.P. Nos. 109 (Street Lighting), 110 (Sidewalks), 111 (Pavement and Curbs), 112 (Storm Sewer), and 113 (Water Line).
6. Public Improvement Permit Authorization - Countryside Subdivision, Phase II (Josela Enterprises)
On March 16, 1987, the Town Clerk was authorized to issue P.I.P. Nos. 102 (Street Lighting), and 103 (Sidewalks).
7. Public Improvement Permit Authorization - Heritage Hills Subdivision, Phase I
The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance.
8. Public Improvement Permit Authorization - Heritage Hills Subdivision, Phase II
On March 16, 1987, the Town Clerk was authorized to issue P.I.P. Nos. 104 (Water Line), 105 (Storm Sewer), 106 (Pavement and Curbs), 107 (Sidewalks), and 108 (Street Lighting).
9. Public Improvement Permit Authorization - Lancaster Industrial Commerce Center
The Town Board authorized issuance of P.I.P. No. 79 (water main) and No. 80, (retention basin) on June 6, 1983.
10. Rezone Petition - Earl P. Blair
On February 19, 1987, this petition was referred to the Planning Board for review and recommendation.
11. Rezone Petition - Josela Enterprises, Inc.
On June 2, 1986, this petition was referred to the Planning Board for review and recommendation.
12. Rezone Petition - Salvatore and Elinore Oddo
On March 16, 1987, the Town Board held a hearing on this matter and reserved decision.

STATUS REPORT ON UNFINISHED BUSINESS CONT'D:

13. Rezone Petition - George Stephen
On August 11, 1986, this petition was referred to the Planning Board for review and recommendation. On September 15, 1986, the Town Board set a public hearing on this matter for October 6, 1986. On October 6, 1986, the Town Board held a public hearing on this matter and reserved decision on this matter until their next meeting scheduled for April 6, 1987.
14. Rezone Petition - Frank and Sandra Surlanello
On March 16, 1987, the Town Board held a hearing on this matter and reserved decision on this matter until their next meeting scheduled for April 6, 1987.
15. Subdivision Approval - Meadowland (Bosse)
On November 6, 1986, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report.
16. Subdivision Approval - "The Meadows" Subdivision (Giallanza)
On July 7, 1986, this matter was referred to the Planning Board Chairman, Chief Fowler, Highway Superintendent, Town Engineer, and Town Planning Consultant for review and report. On September 3, 1986, the Planning Board recommended to the Town Board approval of this proposed subdivision. On September 26, 1986, the Planning Board rescinded their recommendation for approval of the preliminary plot previously adopted on September 3, 1986.
17. Traffic Study - Intersection, Central Avenue and Impala Parkway
On March 16, 1987, a request for a traffic light at this intersection was referred to the Police and Safety Committee and to the Police Chief for review and recommendation.
18. Traffic Study - Intersection, Genesee Street and Ransom Road
On December 1, 1986, the Town Board petitioned the NYSDOT for a lower speed limit in this area.
19. Traffic Study - Speed Reduction, Pavement Road, Broadway North to Walden Avenue
On August 19, 1985, this matter was referred to the Police Chief for investigation and recommendation.
20. Traffic Study - Speed Reduction, Peppermint Road
On March 16, 1987, this matter was referred to the Police and Safety Committee and to the Police Chief for investigation and recommendation.
21. Traffic Study - Speed Reduction, Ransom Road, Broadway North to Genesee Street
On August 19, 1985, this matter was referred to the Police Chief for investigation and recommendation.
22. Zoning Ordinance and Map Update
On June 15, 1983, Consultant Richard Brox conveyed a draft to the Town Board and Planning Board. Numerous joint sessions have been held to resolve areas of concern. SEQR review, on the ordinance only, was held on July 18, 1984. The proposed map has not been subjected to SEQR review.

PERSONS ADDRESSING THE TOWN BOARD:

Gloria Kubicki, 15 Maple Drive, asked for information about the application of Keith A. Wilkinson for a permit to dump fill on the premises across from Sacred Heart Church in Bowmansville.

Kim and Eric Nuwer asked the Town Board to consider a reduced speed limit on Peppermint Road.

The request was referred to the Police and Safety Committee and to the Police Chief for review and report.

Jim Stephan, 130 Maple Drive, spoke in favor of the rezoning of property on the south side of Maple Drive for the "Super 8 Motel".

Albert Leising, 124 Maple Drive, Sy Kolassa, 118 Maple Drive and Richard Bidell, 101 Maple Drive, spoke in opposition to the rezoning of property on the south side of Maple Drive for the "Super 8 Motel".

James and Lola Guenther, 562 Pavement Road, inquired of the Town Board the present status of the Police and Safety Committee's current study of a possible Discharge of Firearms Ordinance for the Town of Lancaster.

Both indicated support of such an ordinance.

COMMUNICATIONS:DISPOSITION

151. Town Engineers to Town Attorney -
Transmittal of P.I.P.'s for sidewalks and
street lighting for Countryside Subdivision
Phase II.
152. D.C.O. to Town Board -
Monthly report for Jan./Feb. 1987.
153. Building Inspector to Town Board -
Monthly report for February 1987.
154. Town Clerk to Supervisor -
Monthly report for February 1987.
155. Need/Demand Analysis, FMHA 515 Rural Elderly
Rental Housing, Lancaster Market Area, Erie
County.
156. Assessor to Town Board -
Association of Towns Report.
157. Assemblyman Gorski to Supervisor -
Notice of public hearings to be held re:
effectiveness of the Wicks Law.
158. NYSDOT to Supervisor -
Summary of events re: Route 20.
159. Proclamation setting 3/15-22/87 Camp Fire
Birthday Week.
160. Supervisor to Town Board -
Request permission to attend Symposium on
Service Life of Rehabilitated Buildings and
Other Structures to be held 4/27/87 in
Cincinnati, Ohio.
161. Assessor to Town Board -
Reply to letter re: a Veteran's Tax
Exemption problem.
162. Assessor to Town Board -
Comments re: article on assessor's job.
163. Town Clerk to Town Board -
Association of Towns Report.
164. County Div. of Highways to Supervisor -
Notice of meeting to be held 3/12/87 in
Buffalo re: Town Line Rd. Bridge.
165. Youth Bureau Ex. Director to Town Board -
Recommendation of Carolyn Schmitt to tutor
position vacated by Lori Simme.
166. Dep. Town Attorney to Town Board -
Association of Towns Report.
167. Youth Bureau Ex. Director to Town Board -
Report of site visit conducted on 1/15/87.
168. Richard Bidell to Supervisor -
Comments re: Stephen rezoning (Super 8 Motel).
169. County Sewer Dist. Manager to Supervisor -
Notice of availability of Sewer Contract 20B.
170. Judith Lewis-Sobczak to Town Board -
Complaint re: dumping of fill by Highway
Dept.

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COMMUNICATIONS CONT'D.:DISPOSITION

171. County Dept. of Environ. and Planning to Supervisor - Notice that Sewer Contract No. 14L is available for connection.	R & F
172. N.Y.S. Div. of Regulatory Affairs to Supervisor - Concurrence that Town should act as SEQR Lead Agency re: Oddo proposed rezone.	R & F Hearing File
173. Town Attorney to Town Board - Association of Towns Report.	R & F
174. Police Chief to Town Board and Building Insp. - Comments and recommendations re: Eastwood Village.	None
175. Hinman, Straub, Pigors & Manning to NYSALT - Informational update.	R & F
176. Hinman, Straub, Pigors & Manning to NYSALT - <u>NYSALT'S 1987 POLICY MEMORANDUM.</u>	R & F
177. County Div. of Highways to Supervisor - Notice of pre-letting meeting to be held 3/12/87 re: Town Line Rd. Bridge.	R & F
178. County Executive to Supervisor - Transmittal of registry listing inactive hazardous waste disposal sites in N.Y.S.	R & F
179. Councilman Miller to Town Board - Association of Towns Report.	R & F
180. Building Inspector to Town Board - Re: Distribution of smoke detectors.	R & F
181. Carolyn Kipler to Town Board - Request traffic light at intersection of Countryview Way and Central Ave.	Chief Fowler Public Safety Committee
182. Building Inspector to Town Board - Comments re: residents' drainage problems.	Highway Superintendent
183. Erie County Assoc. of Town Superintendents of Highways to Supervisor - Comments re: bridge postings for local, county and state roads.	Highway Superintendent
184. LVAC to Town Board - Request review of limitations re: membership.	R & F
185. Town Clerk to Board of Elections - Certificate stating Town offices to be voted for at General Election on 11/3/87.	R & F
186. Supervisor to Highway Supt. - Request answers re: cleaning of Ditch D4-3, Mark Stewart property on 635 Ransom Rd.	Highway Superintendent
187. N.Y.S. Dept. of Environmental Conservation to Town Attorney - Response to letter re: methane gas recovery project at the Lancaster Sanitary Landfill.	R & F
188. Planning Board to Town Board - Request copy of Blair rezone petition for John Gober and Building Inspector.	R & F
189. Planning Board to Town Board - Minutes from meeting of 3/4/87.	R & F

COMMUNICATIONS CONT'D.:DISPOSITION

- | | |
|--|--|
| 190. United Way to Supervisor -
Invitation to discussion to be held 3/19/87
at Buffalo re: transportation needs. | Supervisor

_____ |
| 191. Supervisor to Assembly Standing Committee on
Local Governments Chair. -
Comments re: proposal to repeal the Wicks Law. | R & F

_____ |
| 192. Marrano/Marc Equity to Town Clerk -
Transmittal of P.I.P.s for Countryview East,
Phase IV and Heritage Hills, Phase II. | R & F

_____ |
| 193. Planning Board to Town Board -
Comments re: recommendation of Blair rezone
and transmittal of letter of recommendation
by Planning Consultant. | Town Attorney for
Resolution

_____ |
| 194. UMRA to Supervisor -
Comments re: UMRA-proposed reciprocal
Insurer. | R & F

_____ |

The Supervisor requested a suspension of the necessary rule for immediate consideration of the following communication -
SUSPENSION GRANTED.

- | | |
|---|----------------------------------|
| 195. Residents of Maple Drive to Town Board -
Petition reconfirming opposition to
Stephen Rezone. | R & F

_____ |
| 196. Assoc. of Erie County Governments to Supervisor -
Notice of meeting to be held 3/26/87 at
Orchard Park and minutes from meeting held
2/26/87. | R & F

_____ |

ADJOURNMENT:

ON MOTION OF COUNCILMAN CZAPLA, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 11:15 P.M. out of respect to:

JAMES O'NEILL ✓

HELEN LIVESEY

Signed Robert P. Thill
Robert P. Thill, Town Clerk